

VZCZCXYZ0002  
PP RUEHWEB

DE RUEHBU #0360/01 0861744  
ZNY CCCCC ZZH  
P 271744Z MAR 09  
FM AMEMBASSY BUENOS AIRES  
TO RUEHC/SECSTATE WASHDC PRIORITY 3411  
INFO RUCNMER/MERCOSUR COLLECTIVE PRIORITY  
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY  
RUEAIIA/CIA WASHINGTON DC PRIORITY

C O N F I D E N T I A L BUENOS AIRES 000360

SIPDIS

E.O. 12958: DECL: 03/27/2039  
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [PHUM](#) [AR](#)  
SUBJECT: ARGENTINE CONGRESSIONAL MIDTERMS NOW SET FOR JUNE  
28

REF: A. BUENOS AIRES 0315  
[B.](#) BUENOS AIRES 0285  
[C.](#) BUENOS AIRES 0347

Classified By: Ambassador Wayne for reasons 1.4 (b) & (d).

[1.](#) (C) Summary: Argentina's Senate approved (42-26-4) President Cristina Fernandez de Kirchner's (CFK) proposal to move up the date of this year's national legislative elections by four months to June 28. The ruling Victory Front alliance (FpV) obtained a comfortable majority, with five more votes than the absolute majority required. The votes on this controversial legislation showed the Kirchners clearly maintain their congressional majority, albeit with less than the near two-thirds support they enjoyed in December 2007. This legislation also showed, once again, the willingness of the Kirchners to amend the rules to their advantage, pointing to the vulnerability and malleability of Argentina's laws and institutions. End summary.

[2.](#) (SBU) After nine hours of debate on March 26, Argentina's Senate approved President Cristina Fernandez de Kirchner's (CFK) proposal to move up this year's national legislative elections by four months from October 25 to June 28. With a vote of 42 in favor and 26 against, the ruling Victory Front alliance (FpV) obtained a comfortable majority to pass the legislation, with five more votes than the absolute majority required and only 13 days after CFK announced the measure. (Note: The Lower House passed the legislation on March 18 with a vote of 136 in favor, 109 against, and eight abstentions, per reftels A and B.) The FpV received unexpected support from two senators from Tierra del Fuego, who resigned their affiliation with the opposition ARI party just minutes before voting for CFK's bill. Both senators said they would still support the ARI provincial governor and that they were not aligning with the FpV.

#### Opposition Reactions

-----

[3.](#) (SBU) Opposition senators sharply criticized and questioned the GOA's motivations for moving up the elections, reiterating the objections made by the opposition in the Chamber of Deputies debate. In the Senate, virtually all those opposed raised their concerns about the damage done to the institutionality of elections by allowing the government to revise the electoral schedule to its political advantage. Several senators said the GOA was once again conveying its unwillingness to play by clear, established rules.

#### The New Electoral Roadmap

-----

[4.](#) (SBU) The new law changes the 2004 National Electoral Code for the first time, setting national congressional elections for June 28 when Argentines will elect 128 national deputies and 24 senators in eight provinces. Provinces may choose to

hold their elections prior to the national ones, on the same day or after (ref C). The new bill also puts pressure on an opposition still struggling to unify and resolve differences to build alliances in a little over a month. According to the new electoral timeline, alliances must be consolidated by April 28 and parties must register their candidacies by May 18.

15. (SBU) Despite the hurried electoral calendar, those newly elected in June will still have to wait until December 10 to assume their seats. Another opposition criticism of the date change was that it will prolong the period in which Argentina has a significant portion of its legislature serving as lame ducks.

Comment

-----

16. (C) This is an important win for the government, and a reminder that despite all of the challenges that CFK's government faces this year, it is a mistake to start writing the government's obituary. Hype in some opposition-leaning media that the government would find it difficult to get the legislation through the Senate proved unfounded. The vote tallies on this controversial legislation provide a valid indicator of current Kirchner support in the Congress: 136 out of 256 seats in the Chamber of Deputies and 42 out of 72 in the Senate -- down from the near two-thirds they enjoyed in each house at the outset of CFK's administration in December 2007, but still a majority. However, the opposition is still hopeful about the elections outcome. Buenos Aires Mayor Mauricio Macri told the Ambassador March 26 that he believed the anti-Kirchner forces would come out on top in the key province of Buenos Aires or make the Kirchner win so narrow that they would still lose their majority in Congress.

17. (C) Calling elections on a moment's notice may be customary in parliamentary systems, but Argentina is nominally a presidential system. CFK campaigned in 2007 and took office promising to strengthen Argentina's democratic institutions. Once again, however, the Kirchners chose to amend the rules to their advantage, pointing to the vulnerability and malleability of Argentina's rules. Although media pundits and the opposition fully aired their concerns about the institutional damage from this legislative "fix," they did so resignedly. The sudden onset of election season leaves political actors with little time to rue the long-term damage to the integrity of Argentina's electoral process and forces them into overdrive as they rush to meet the accelerated deadlines for hashing out alliances and party slates.

WAYNE